

THE HISCOM CASE

Trial of Case of S. K. Hiscom vs. J. R. Hiscom for Damages

IN THE SUM OF \$100,000

Opens in the Circuit Court Before Judge Hervey and Will Continue Into Next Week—The Opening Statements to the Jury by Messrs. Smith and Hubbard for the Plaintiff and Howard for the Defense.

Yesterday morning in the circuit court, Judge H. C. Hervey presiding, the famous Hiscom case was put on trial. Dr. S. K. Hiscom, the wealthy oil man and Democratic candidate for the legislature at the last election, for \$100,000 damages, by reason of the son's arrest and incarceration in the Spencer insane asylum for several weeks, alleged to be due to malicious prosecution by the father. The case in its various phases has attracted public attention for about a year, and the damage suit will bring out some sensational allegations touching on the Hiscom family history.

The opening statements were made by the attorneys yesterday and the taking of testimony will begin this morning. The case will drag through all this week, and its close is indefinite, as there has been a large array of witnesses summoned by both sides, so that a verdict is not likely for two weeks. The court room was filled with spectators yesterday, and their presence will be in evidence throughout, since the average court room audience delights in racy testimony.

After the jury had been sworn the first statements in the case were made by Attorney S. G. Smith for Dr. Hiscom, and he spoke until noon. Mr. Smith outlined the case, covering all the phases of the trouble between the father and the son leading to the present suit, and he stated that the father had begun proceedings for a divorce suit, whereupon the doctor, who was in Germany, returned to Wheeling, and succeeding differences resulted in the father getting his son committed to the Spencer asylum in a hearing held before Squire C. S. Greer.

Mr. Smith, in discussing the divorce proceedings, said that J. R. Hiscom had employed a private detective to go to Kentucky and obtain incriminating allegations from a man who was thought to have been intimate with Mrs. Hiscom previous to her marriage. Continuing, Mr. Smith depicted the defendant as a vicious and revengeful man, claiming that he treacherously stabbed a man named David Yeager, living at Witten, O., some years ago, and that on another occasion he tried to shoot a woman at whom he had become enraged.

Mr. Howard Opens.

At 2 p. m. Attorney John A. Howard began speaking for the defense and spoke until 4:30 o'clock. He sought to show that the father had lavished money on the son's education and that the son had returned these favors by threatening to kill the father and striving to bring about an estrangement between the father and mother, so he could get a share of his father's property. He noted several scenes at the Hiscom household in which the son was flourishing a revolver at his father and other circumstances to show that the son was laboring under mental delusions, one of which was that his father wanted to kill him.

Mr. Howard scored the impression sought to be made that the son was a good boy, and he proceeded to retail some examples to the contrary. When the doctor was seventeen years old, said Mr. Howard, he killed a horse by hacking it with a hoe, and several times he stole money out of his father's pockets. His father once gave him \$100 to go away, and the son used this money to get married with. Yet the father forgave him and afterwards supported the son and his wife and their young child. The elder Hiscom went the son to Rush medical college and was surprised when he went to attend his graduation to find that the son was living under suspicious circumstances with a woman in Chicago and seemingly unaware that his wife had died two weeks before.

Deviating further into the son's history, Mr. Howard said that Dr. Hiscom, when at the asylum, made statements reflecting on his mother's chastity and had said that he was an illegitimate

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Contagious blood poison is absolutely beyond the skill of the doctors. They may dose a patient for years on their mercurial and potash remedies, but he will never be rid of the disease; on the other hand, his condition will grow steadily worse. S. S. S. is the only cure for this terrible affliction, because it is the only remedy which goes direct to the cause of the disease and forces it from the system.

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son, and that J. R. Hiscom, the defendant in the suit, was not his father. At his home he had run a hot poker through his father's photograph and threw into a fire the portrait of his sister's child, while after his return from the asylum he had pointed a revolver at his father in the Howell House, and since had hounded his father for a share of the estate.

The Immorality Charges.

Mr. Howard read from an affidavit made by Dr. Howard Hiscom, and he belittled the allegations therein. The affidavit charged the father with immoralities and cruelty to Mrs. Hiscom. The immoralities complained of were alleged attempts to seduce domestics employed at the Hiscom home, and the charges of cruelty included beating the mother once with a poker at a time when the elder Hiscom was a Methodist preacher on an Ohio circuit and another time when he threatened to chop her head off with a hoe.

Mr. Howard had reason to believe that Dr. Hiscom once tried to poison his father with drugged wine, but the attempt provoked only a serious sick spell. The doctor came home from Germany believing that his father was worth \$400,000, and his ruling passion had since been to get a big slice of it. Mr. Howard alleged that there was "a speculative combination" back of the present suit, and he concluded his arguments by challenging the plaintiff to show a motive that impelled the father to incarcerate his son in an insane asylum and what was the gain to be reaped by the father. The father could disinherit the son now if he choose by cutting him off in his will, and Mr. Howard said the father would have to sustain the expenses of the son's suit if a verdict was rendered against the son.

Mr. W. P. Hubbard spoke for the plaintiff from 4:30 to 5 o'clock, and in this period covered the ground effectively. In alluding to the challenge made by Mr. Howard to put the doctor on the stand, Mr. Hubbard dramatically produced an order of the court to show that on December 9 Mr. Howard had considered Dr. Hiscom a competent witness and had so summoned him, and referring to Mr. Howard's assertion that the doctor was suffering from delusions, Mr. Hubbard remarked with force that Mr. Howard's argument was inconsistent, to say the least. Mr. Hubbard said it would be shown that the elder Hiscom was worth \$400,000 according to Hiscom's declaration, despite intimations to the contrary. Mr. Hubbard said also that it would be shown that Hiscom shielded himself behind his wife in prosecuting the suit.

The jury before whom the suit is being heard is as follows: Charles J. England, J. V. Mendel, R. G. Blodgett, Edgar Dwight, George W. Bremer, W. B. Moxing, R. P. Donnelly, John S. Hamilton, Louis Weyrick, W. H. Vandine, William Davis and Charles Daller.

YOU KNOW IT IS TRUE,

That is If It Is Told You by a Neighbor.

These Statements are by Persons Whom We Are Willing to Believe.

If a person you respect tells you something, you believe him. You may not know the person whose statement we publish in this article, but you can easily know him because we give you his name and address and he lives right here in West Virginia. That is the way we do give you the names of people living in this state, who have used Morrow's Kid-ne-olds for backache and kidney troubles, because we want you to consult these people about the good Kid-ne-olds have done them. Henry Stacey, living on Lima street, Parkersburg, who is employed at Bradford's store, says: "I was greatly annoyed with a severe aching across the small of my back just over the kidneys. I was nervous and sleepless; in the morning I would feel tired and worn out, and my sleep did not rest me. I decided that my kidneys were out of order. I heard about Morrow's Kid-ne-olds curing backache, sleeplessness and kidney trouble, so I got some at the drug store, which I used according to the directions. Kid-ne-olds gave me relief at once, and I am not feeling well again, and have had none of the trouble since I began taking Kid-ne-olds."

Morrow's Kid-ne-olds are not pills, but Yellow Tablets, which is the most scientific form of preparing medicine. They are put up in wooden boxes, which contain enough for about two weeks' treatment and sell at fifty cents a box at all drug stores.

Descriptive booklet mailed on receipt of request, by John Morrow & Co., Chemists, Springfield, Ohio.

CONNECTICUT AND KENTUCKY

Had Equally Exciting Political Contests—Unless You Are Looking for Trouble Don't Carry a Gun.

New Haven (Conn.) Register: We can perhaps get a better idea of the Kentucky tragedy, if our readers will recall the deadlock in Connecticut which was prolonged over two years. Party feeling ran high and men were involved in the affair who are personally courageous and at times impulsive. Even the Democratic claimant to the office of governor, a gentleman who all his life had been mild-mannered and peace-ob-serving to a degree, was easily persuaded to take a step which in Kentucky evidently would have meant trouble of the kind developed there yesterday. The supporters of his antagonist let it be known that they had no idea of relinquishing what they considered their rights, while the hold over administration ruled with a rod of iron, its haughty spirit finally culminating in the forcing of doors with a crowbar, an act which produced more amusement than amazement.

Throughout that entire conflict, during the continuance of which many things were said which would have constituted "fighting talk" in Kentucky, we venture the assertion that no one of the principals nor his friends bore upon his person a gun of any sort, or contemplated purchasing one. A bloody fray was contrary to our traditions, and in consequence no one went prepared for it. When the pressure became hot, by common understanding the case was submitted to the court, and when from that body an opinion was forthcoming which left all in worse darkness than before, it was tacitly agreed, with perfect good nature, to refer the whole controversy to the people for a judgment. A people that can act that way, and naturally act that way in moments of great excitement, are unable to account for the assassination of Goebel in Kentucky yesterday except upon the ground that there is bound to be shooting where every man carries a shooting-iron.

GALLANT LAWTON

Died With His Face to the Foe, and His Example

INSPIRED THE OFFICERS

And Men of His Command—Colonel Sargent, in His Report, Commends Officers and Men For Conspicuous Bravery, and Recommends Promotions.

WASHINGTON, D. C., Feb. 5.—The war department has received the report of Colonel Sargent, of the Twenty-ninth Infantry, at Manila, detailing the action at San Mateo during which Gen. Lawton lost his life. The report says General Lawton had ridden all night to be able to arrive on the scene at 6:30 in the morning, but he said: "Sargent, I wish to give you full swing; go ahead with your command carry out your plans." It was rather significant that Lawton added that he did not expect much resistance considering that he met his death in that engagement. Between San Mateo and the troops lay a river, which it was necessary to ford, and the location of the ford was ascertained with great difficulty, the enemy being strongly entrenched on the opposite bank, and volleying upon the troops. The report reads:

"At this time, about 8 or 8:15 a. m., the first firing began, and I dismounted and started to the front. General Lawton had already arrived on the firing line, and as I descended the hill in front of which was the rice field, Gen. Lawton was coolly walking up and down the firing line within about two hundred and fifty yards of the enemy's entrenchments. A few minutes afterward Lieutenant Breckinridge was wounded, and I saw General Lawton acting as one of the four litter bearers helping to carry Lieutenant Breckinridge from the field. After helping to carry back Lieutenant Breckinridge to the general's headquarters during the battle, he remained a few moments, asked Lieutenant Breckinridge how he felt, said a few words to Major Rogers about my disposition for the right, and then starting back to the firing line was shot before he had advanced but a few steps. He was shot just above the heart with his face towards the enemy; he fell to the ground and lived but a few moments. Thus died on the battlefield, this great, brave, heroic soldier; large of heart and large of frame, with an indomitable will and with a power unsurpassed of overcoming obstacles—a soldier who had never known fear; who knew not what fear was."

The remainder of the report is devoted to a description of the battle and its results and agrees with the accounts heretofore published. Says Colonel Sargent, in conclusion:

"The officers and men under my command behaved magnificently throughout. Conspicuous bravery was apparent everywhere I saw no faltering and no shirking. The officers walked up and down the firing line almost continuously, taking no cover whatever when there was any work to be done. Major Hawthorne, of the Twenty-ninth, displayed conspicuous bravery at all times and under all circumstances, and his battalion, Companies E, F and H, did splendid work."

Major Bryan, of the Twenty-seventh, was cool and brave, and Major Sim, of the Eleventh Cavalry, did effective work. Lieutenant Rowland S. Pike, of the Twenty-ninth, is accorded great credit for bringing through the supply train under conditions so adverse that General Lawton did not think it possible. Capt. Owen T. Kenan, of the Twenty-ninth, is recommended for brevet for gallantry and pluck in fighting after having been wounded. For fearless and gallant conduct during the fight, Col. Sargent also recommends the promotion to second lieutenancies of Sergeants Frank Catches, Company C, and William B. Bonham, Company E, Twenty-ninth Infantry.

ESTABLISHING GOVERNMENT

And Opening Ports in the Island Possessions.

NEW YORK, Feb. 5.—A special to the Herald from Washington says: General orders issued by Major General Otis relative to the establishment of civil government and of the opening of ports of the Philippines to trade, have just been received by the war department.

Brigadier General S. B. M. Young is now serving as military governor of Northwestern Luzon, west of the provinces of Cagayan, Isabela and Nueva Vizcaya, which are under the command of Colonel C. C. Hood, Sixteenth Infantry. These provinces within General Young's command are Abra, Bontoc, Benguet, Lepanto, Ilocos, North and South, and Union, and his headquarters are established in Vigan. The troops at his disposal are the Third cavalry and the Thirty-third Infantry, which have established permanent stations at San Fernando, Vigan and Laoag, with outposts and sub-posts for the protection of the inhabitants and the administration of public affairs. After the appointment of General Young, General Otis issued an order, declaring Dagupan, San Fernando, de la Union, Vigan, Laoag and Appari open for trade under constant trade regulations. General Otis also issued an order at the same time declaring that trade with the ports of the Sulu archipelago, with those of Zamboanga, Cotabatto and Davao, of the island of Mindanao, and with the island of Basilan be re-established. The ports of Zamboanga, Mindanao, Jolo, Island of Jolo, Siasi, and Island of Siasi were declared to be open ports for the time being.

Man and Wife in Distress.—Rev. Dr. Bochner, of Buffalo, says: "My wife and I were both troubled with distressing Catarrh, but we have enjoyed freedom from this aggravating malady since the day we first used Dr. Agnew's Catarrhal Powder. Its action was instantaneous, giving the most grateful relief within ten minutes after its first application." Sold by Charles R. Goetze, corner Twelfth and Market streets.—10

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BULLER'S ADVANCE.

British Force on the Tugela Has Been Reinforced.

NEW YORK, Feb. 5.—London to-day was permitted to observe a few words of news from South Africa. They stated that General Buller was advancing to the relief of Ladysmith; that the garrison in the beleaguered town could hear his guns, and that they were in good spirits, ready to repel an assault or co-operate with the rescuing forces. While anxiety is again becoming intense, the feeling is now more hopeful than on the eve of General Buller's previous engagements. The British force on the Tugela has been reinforced with men and guns, but General Joubert and his 15,000 men can call in no new regiments, for the Boers have need of all their men to defend the borders of the Free State. It was just one week ago to-day that General Buller announced that he would be in Ladysmith in a week. He has not kept his word.

No news at all has been received from the armies operating in Cape Colony, and there is much speculation in London as to the plans of Lord Roberts and the mysterious movements of Lord Kitchener. The general idea is that they are preparing some Napoleonic campaign that will bring the war to a speedy finish.

Dispatches from Spearman's Camp, dated Friday, Saturday and Sunday, are published in London this morning. On Friday heliographic communication with Ladysmith was resumed, messages passing freely; the Boers were busy shelling the town, and burial parties of Boers were burying their dead at Spion Kop, though nine days had elapsed since the battle.

On Saturday the bombardment of Ladysmith was lighter. From Chieveley, General Barton cannonaded the Colenso lines, employing the naval gun. The Boers, as usual, appeared at Colenso, but retreated when the British artillery opened.

The day was quiet at Potgieter's. There was no cannonading by the British guns.

The Boers enjoyed this immunity from attack, and could be seen in large numbers, drying their blankets and working to strengthen and add to their defensive works.

The Boers around Potgieter's seemed intent on watching every movement of our troops. They could be seen riding or walking along their works in careless fashion, numbers of them spying through their glasses.

The enemy have certainly made a number of additional positions for cannon and for the defense of the passage of the Tugela at Potgieter's Drift.

Standing upon Mount Alice, of the lower ridges of rugged Swartkop over 1,000 feet above Potgieter's Drift, one may obtain a magnificent prospect for a distance of twelve miles. To the north puffs of cannon smoke disclose the position of the Boer guns bombarding Ladysmith.

On Sunday there was no cannonading at Spearman's Camp, and the day was quiet, but for sniping by the Boers. The shelling of Ladysmith was slight. Messages are freely interchanged between Buller's and White's camps by night with calcium signal lamps, and by day with the heliograph. The Boers, by means of their acetylene search light, have tried ineffectually to blur the transmission of our signals.

These three carefully censored dispatches said nothing of a forward movement being in progress, but spoke of the joy of the men at the prospect of an advance.

PENSIONS AND POSTAL AFFAIRS

Pensions Issued to West Virginians. Postal Changes.

WASHINGTON, D. C., Feb. 5.—Pensions have been granted to West Virginia applicants as follows: Original—James Barr, Wheeling, \$6; George F. Ratcliff, Huntington, \$6; and John Zehander, Pickens, \$6.

Increase—Rudolph Ralle, Glenville, \$8 to \$10; Henry Myer, Willow, \$6 to \$12; John Goodwin, Rockwell, \$8 to \$10; William H. Melvin, Wellsburg, \$8 to \$12; and Andrew Cecil (deceased), Cameron, \$8 to \$12.

Restoration—Isaac N. Todd, Hiccupbottom, \$12.

Widow—Ann Cecil, Cameron, \$8. The site of the postoffice of Dexter, Roane county, W. Va., has been removed to a point one and one-eighth miles east of the present location.

A change has been ordered in the star schedule on route 16473, Middlebourne to Ellenboro, W. Va. Hereafter mail will leave Middlebourne daily, except Sunday, at 7:30 a. m., and will leave Ellenboro, same days, at 10 a. m.

Senator Scott has introduced a bill in the senate for the relief of the estate of Bayless G. Farley.

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A powerful story, recalling forgotten tragedies. A love story threads a stirring recital of crime and detective work. Scene in the valley of the upper Monongahela, connecting with Pittsburgh, Clarksburg and Fairmont.

The book is something more than an ordinary bit of fiction. It has a substratum of historical fact, and some real people figure in its pages. There is a vivid glimpse of American life as found in that valley forty years ago. The book critic of a great metropolitan western daily, who has read the manuscript, says the author has "dipped his pen in the very pigments of life." The head of a leading Chicago publishing house said of it: "We have been much interested; 'the plot is clever' and details 'ingenious.' The story itself is interesting and there are some capital situations."

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Never let a cold "run its course." The death rate would be lower if every body would get rid of a cold promptly. The quickest cure is **Hill's Cascara Bromide Quinine**, which cures by the natural method. It sets free the locked-up secretions. Acts as a tonic laxative. Exerts a soothing influence on the lungs and irritated mucous membranes.

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